

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

Application Number	10/754,115
Filing Date	January 7, 2004
First Named Inventor	Timothy D. Hey
Art Unit	
Examiner Name	
Attorney Docket Number	DAS-104XC1

Sheet 4 of 8

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	20	BOWEN et al., "Insecticidal toxins from the bacterium <i>Photobacterium luminescens</i> ," Science 280 (5372), 2129-2132 (1998)	
	21	BOWEN et al., Insecticidal toxin complex protein TcaC (<i>Photobacterium luminescens</i>), GENBANK Accession No. AAC38625 (gi:3265037), June 30, 1998	
	22	BOWEN et al., Insecticidal toxin complex protein TcbA (<i>Photobacterium luminescens</i>), GENBANK Accession No. AAC38627 (gi:3265040), June 30, 1998	
	23	FFRENCH-CONSTANT et al., "Photobacterium toxins: novel biological insecticides," Current Opinion in Microbiology (1999), p. 284-288, vol. 12	
	24	FFRENCH-CONSTANT et al., "Novel insecticidal toxins from nematode-symbiotic bacteria," Cellular and Mol. Life Sciences (5/00), p. 828-833, vol. 57, no. 5	
	25	FFRENCH-CONSTANT et al., "A Genomic Sample Sequence of the Entomopathogenic Bacterium <i>Photobacterium</i> ...", Appl. Environ. Microbiol. (8/00), p. 3310-3329, vol. 66, no. 8	
	26	FORST et al., "Molecular Biology of the Symbiotic-Pathogenic Bacteria <i>Xenorhabdus</i> spp. and <i>Photobacterium</i> spp.," Microbiological Reviews (3/96), p. 21-43, vol. 60, no. 1	
	27	HURST et al., "Plasmid-Located Pathogenicity Determinants of <i>Serratia entomophila</i> ...", Journal of Bacteriology (09/00), p. 5127-5138, vol. 182, no. 18	
	28	HURST et al., SepA (<i>Serratia entomophila</i>), GENBANK Accession No. AAG09642 (gi:9963678) Nov. 5, 2003	
	29	HURST et al., SepB (<i>Serratia entomophila</i>), GENBANK Accession No. AAG09643 (gi:9963679) Nov. 5, 2003	

Examiner Signature	Date Considered
---------------------------	------------------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, Washington, DC 20231.**

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /RK/

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

Application Number	10/754,115
Filing Date	January 7, 2004
First Named Inventor	Timothy D. Hey
Art Unit	
Examiner Name	
Attorney Docket Number	DAS-104XC1

Sheet 5 of 8

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	30	HURST et al., SepC (Serratia entomophila), GENBANK Accession No. AAG09644 (gi:9963680) Nov. 5, 2003	
	31	MERLO et al., Toxin A (Photobacterium luminescens), GENBANK Accession No. AAF05542 (gi:6176340), November 2, 1999	
	32	MORGAN et al., "Sequence Analysis of Insecticidal Genes from Xenorhabdus nematophilus PMF1296," Appl. Environ. Microbiol. (5/01), p. 2062-2069, vol. 67, no. 5	
	33	MORGAN et al., Xenorhabdus nematophilus genes, GENBANK Accession No. AJ308438, May 11, 2001	
	34	MORGAN et al., Putative chitinase (Xenorhabdus nematophila), GENBANK Accession No. CAC38398 (gi:14041727), May 11, 2001	
	35	MORGAN et al., XptA1 protein (Xenorhabdus nematophila), GENBANK Accession No. CAC38401 (gi:14041730), May 11, 2001	
	36	MORGAN et al., XptB1 protein (Xenorhabdus nematophila), GENBANK Accession No. CAC38402 (gi:14041731), May 11, 2001	
	37	MORGAN et al., XptC1 protein (Xenorhabdus nematophila), GENBANK Accession No. CAC38403 (gi:14041732), May 11, 2001	
	38	MORGAN et al., XptA2 protein (Xenorhabdus nematophila), GENBANK Accession No. CAC38404 (gi:14041733), May 11, 2001	
	39	NCBI Microbial Genomes Annotation Project, COG3209: Rhs family protein (Pseudomonas...), GENBANK Accession No. ZP_00083266 (gi:23058175) April 9, 2004	

Examiner Signature	Date Considered
---------------------------	------------------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.This collection of information is required by 37 CFR 1.68. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, Washington, DC 20231.**

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

Application Number	10/754,115
Filing Date	January 7, 2004
First Named Inventor	Timothy D. Hey
Art Unit	
Examiner Name	
Attorney Docket Number	DAS-104XC1

Sheet 6 of 8

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
	40	NCBI Microbial Genomes Annotation Project, COG3209: Rhs family protein (Pseudomonas...), GENBANK Accession No. ZP_00083267 (gi:23058176) April 9, 2004	
	41	NCBI Microbial Genomes Annotation Project, Hypothetical protein (Pseudomonas fluorescens...), GENBANK Accession No. ZP_00084399 (gi:23059431) April 9, 2004	
	42	NCBI Microbial Genomes Annotation Project, COG3209: Rhs family protein (Pseudomonas...), GENBANK Accession No. ZP_00084400 (gi:23059432) April 9, 2004	
	43	NCBI Microbial Genomes Annotation Project, COG3209: Rhs family protein (Pseudomonas...), GENBANK Accession No. ZP_00084401 (gi:23059433) April 9, 2004	
	44	NCBI Microbial Genomes Annotation Project, COG3209: Rhs family protein (Pseudomonas...), GENBANK Accession No. ZP_00084403 (gi:23059435) April 9, 2004	
	45	NCBI Microbial Genomes Annotation Project, COG3209: Rhs family protein (Pseudomonas...), GENBANK Accession No. ZP_00125560 (gi:23470227) Sep. 23, 2003	
	46	NCBI Microbial Genomes Annotation Project, Hypothetical protein (Pseudomonas syringae...), GENBANK Accession No. ZP_00126265 (gi:23470933) Sep. 23, 2003	
	47	NCBI Microbial Genomes Annotation Project, COG3209: Rhs family protein (Pseudomonas...), GENBANK Accession No. ZP_00127864 (gi:23472540) April 9, 2004	
	48	NCBI Microbial Genomes Annotation Project, COG3209: Rhs family protein (Pseudomonas...), GENBANK Accession No. ZP_00127865 (gi:23472541) April 9, 2004	
	49	NCBI Microbial Genomes Annotation Project, Hypothetical protein (Pseudomonas syringae...), GENBANK Accession No. ZP_00127867 (gi:23472543) April 9, 2004	

Examiner Signature	Date Considered
---------------------------	------------------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, Washington, DC 20231.**

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

Complete if Known

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Application Number	10/754,115
Filing Date	January 7, 2004
First Named Inventor	Timothy D. Hey
Art Unit	
Examiner Name	
Attorney Docket Number	DAS-104XC1

Sheet 7 of 8

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	50	NCBI Microbial Genomes Annotation Project, Hypothetical protein (Pseudomonas syringae...), GENBANK Accession No. ZP_00127868 (gi:23472544) April 9, 2004	
	51	NCBI Microbial Genomes Annotation Project, COG3209: Rhs family protein (Pseudomonas...), GENBANK Accession No. ZP_00127869 (gi:23472545) April 9, 2004	
	52	NCBI Microbial Genomes Annotation Project, COG3209: Rhs family protein (Pseudomonas...), GENBANK Accession No. ZP_00127870 (gi:23472546) April 9, 2004	
	53	NCBI Microbial Genomes Annotation Project, COG3209: Rhs family protein (Pseudomonas...), GENBANK Accession No. ZP_00123877 (gi:23468542) April 9, 2004	
	54	PETTERSSON et al., "Transfer of Bacillus lentimorbus and Bacillus popilliae to the genus Paenibacillus...", Int. J. Syst. Bacteriol. (1999), p. 531-540, vol. 49, no. 2 (abstract)	
	55	SHIDA et al., "Emended description of Paenibacillus amylolyticus and description of Paenibacillus...", Int. J. Syst. Bacteriol. (1997), p. 299-306, vol. 47, no. 2 (abstract)	
	56	WATERFIELD et al., "Oral Toxicity of Photorhabdus luminescens W14 Toxin Complexes in Escherichia coli," Appl. Environ. Microbiol. (11/01), p. 5017-5024, vol. 67, no. 11	
	57	WATERFIELD et al., "The toxin complex genes of Photorhabdus: a growing gene family," Trends in Microbiology (04/01), p. 185-191, vol. 9, no. 4	
	58	WATERFIELD et al., "Genomic islands in Photorhabdus," Trends Microbiol. 10 (12), 541-545 (2002)	
	59	WATERFIELD et al., Toxin complex protein (Photorhabdus luminescens), GENBANK Accession No. AAL18473 (gi:16416915) Oct. 25, 2001	

Examiner Signature	Date Considered
--------------------	-----------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-788-9199) and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

Application Number	10/754,115
Filing Date	January 7, 2004
First Named Inventor	Timothy D. Hey
Art Unit	
Examiner Name	
Attorney Docket Number	DAS-104XC1

Sheet 8 of 8

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
	60	WATERFIELD et al., TcdA1; toxin complex protein (Phototrhhabdus luminescens), GENBANK Accession No. AAL18486 (gi:16416929) July 17, 2003	
	61	WATERFIELD et al., TcdB1; toxin complex protein (Phototrhhabdus luminescens), GENBANK Accession No. AAL18487 (gi:16416930) July 17, 2003	
	62	WATERFIELD et al., TccC2 (Phototrhhabdus luminescens), GENBANK Accession No. AAL18492 (gi:27479639) July 17, 2003	
	63	WATERFIELD et al., TccC4 (Phototrhhabdus luminescens), GENBANK Accession No. AAO17196 (gi:27479669) July 17, 2003	
	64	WATERFIELD et al., TcdA2 (Phototrhhabdus luminescens), GENBANK Accession No. AAO17201 (gi:27479674) July 17, 2003	
	65	WATERFIELD et al., TcdB2 (Phototrhhabdus luminescens), GENBANK Accession No. AAO17202 (gi:27479675) July 17, 2003	
	66	WATERFIELD et al., TccC3 (Phototrhhabdus luminescens), GENBANK Accession No. AAO17204 (gi:27479677) July 17, 2003	
	67	WATERFIELD et al., TcdA4 (Phototrhhabdus luminescens), GENBANK Accession No. AAO17209 (gi:27479682) July 17, 2003	
	68	WATERFIELD et al., TccC5 (Phototrhhabdus luminescens), GENBANK Accession No. AAO17210 (gi:27479683) July 17, 2003	

Examiner Signature	/Rosanne Kosson/	Date Considered	8/27/2008
-------------------------------	------------------	----------------------------	-----------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /RK/